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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by Mr. Maurice Danby Copithorne (Canada), Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, in accordance with paragraph 13 of Commission on Human Rights resolution 1996/84 of 24 April 1996 and Economic and Social Council decision 1996/287 of 24 July 1996.

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INTERIM REPORT ON THE SITUATION OF HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN, PREPARED BY THE SPECIAL REPRESENTATIVE OF THE COMMISSION ON HUMAN RIGHTS IN ACCORDANCE WITH COMMISSION RESOLUTION 1996/84 AND ECONOMIC AND SOCIAL COUNCIL DECISION 1996/287

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 2	4
II.	SPECIAL REPRESENTATIVE'S ACTIVITIES AND SOURCES	3 - 4	4
III.	RECENT DEVELOPMENTS IN THE HUMAN RIGHTS SITUATION	5 - 34	5
	A. Democracy	5 - 7	5
	B. Social climate	8 - 9	5
	C. Judicial, legal and penal practices	10 - 14	7
	D. Pressure on relatives	15 - 16	8
	E. Violence outside the Islamic Republic of Iran	17 - 20	9
	F. Situation of Iranian refugees and asylum-seekers abroad	21 - 22	10
	G. Situation of the Baha'is	23 - 27	11
	H. The fatwa against Salman Rushdie	28 - 30	12
	I. Information on prisoners	31 - 33	12
	J. Prisoners of war	34	13
IV.	STATUS OF WOMEN	35 - 36	13
V.	SPECIAL REPRESENTATIVE'S CORRESPONDENCE WITH THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN	37 - 39	14
VI.	REQUEST FOR TECHNICAL ASSISTANCE	40 - 41	16
VII.	CONCLUSIONS	42 - 43	16

CONTENTS (continued)

Page

Annexes

I. Letter dated 23 April 1996 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Special Representative on the situation of human rights in the Islamic Republic of Iran 18

II. Letter dated 11 July 1996 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Special Representative on the situation of human rights in the Islamic Republic of Iran 19

III. Letter dated 29 July 1996 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Special Representative on the situation of human rights in the Islamic Republic of Iran 20

IV. Information on executions published in the Iranian and international press during the period 1 January-31 August 1996 ... 21

I. INTRODUCTION

1. In March 1996, the Special Representative submitted his first report to the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1996/59). The Special Representative noted that the Commission had first established the position in 1984 and that there continued to be a very great interest in the subject from many quarters. The Special Representative pointed out the danger, in the Iranian context, of human rights becoming a vehicle for political ends rather than an end in themselves. He noted that his view of his function was to bring the status of human rights in Iran into clear focus, providing at the same time an indication of areas in which progress was being made and areas in which further progress was needed. On the matter of his visit to Iran in February 1996, the Special Representative noted that this could only be an introduction and that he looked forward to another longer visit within 12 months to deepen his understanding of Iran, particularly by broadening his range of contacts and visiting places outside of Tehran.

2. The Special Representative does not believe it appropriate in his interim report to go over the same ground covered in his report to the Commission on Human Rights. He does, however, wish to update it in a number of respects, to describe the human rights situation in Iran as it seems to have developed in the intervening months, and to draw some conclusions as to present conditions.

II. SPECIAL REPRESENTATIVE'S ACTIVITIES AND SOURCES

3. The Special Representative visited the Islamic Republic of Iran from 9 to 16 February 1996. An account of that visit is given in the Special Representative's first report to the Commission on Human Rights (E/CN.4/1996/59), which was personally submitted on 16 April 1996. The Special Representative returned to Geneva from 28 to 31 May 1996 and from 26 to 30 August 1996 in order to conduct a number of consultations, to participate in the third meeting of special rapporteurs and special representatives, experts and chairmen of working groups of the Commission on Human Rights, which took place from 28 to 30 May 1996, and to draft the present interim report to the General Assembly. While in Geneva, the Special Representative held consultations with representatives of the Islamic Republic of Iran, officials of the office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, officials of the Office of the United Nations High Commissioner for Refugees (UNHCR) and representatives of several non-governmental organizations. He also received representations from interested persons concerning human rights violations in Iran. On 2 and 3 September 1996, the Special Representative held conversations in Vienna with senior officials of the Crime Prevention and Criminal Justice Branch.

4. In seeking to fulfil his mandate, the Special Representative has looked to many sources for information including the Government of the Islamic Republic of Iran; other Governments; individuals both within and outside Iran; non-governmental organizations (NGOs); and the media. In Geneva, the Special Representative held interviews with representatives of several NGOs, among them,

Amnesty International, Baha'i International Community, Democratic Party of Iranian Kurdistan (DPIK), Human Rights Watch/Middle East, International Commission of Jurists, International Educational Development, Inc., League for the Defence of Human Rights in Iran, National Council of Resistance of Iran, Organization for Defending Victims of Violence and Organization of Iranian People's Fedaian (Majority).

III. RECENT DEVELOPMENTS IN THE HUMAN RIGHTS SITUATION

A. Democracy

5. In his 1996 report to the Commission on Human Rights, the Special Representative noted that a general election campaign was under way when he visited Iran in February 1996 and that while he was completing his report to the Commission, a number of allegations were brought to his attention concerning the process by which candidates were approved by the Council of Guardians. The elections themselves, held in two rounds on 8 March and 19 April, were marked by apparent irregularities in eight ridings which led to the nullification of the results by the Council of Guardians. Such constituencies are for the moment unrepresented in the new Fifth Majlis. Many observers believe these elections were laying the ground for next year's presidential elections.

6. Various allegations have been made by opposition groups and others against the Council of Guardians for nullifying the elections in these ridings. According to the official Iranian news agency, IRNA, the Governor General of Isfahan Province had earlier expressed the hope the elections would not be nullified. He noted that 63 per cent of the eligible voters in his Province had participated in the election compared with only 35 per cent for the last Majlis elections. He added that the administrators of the elections had closely collaborated with election supervisory commissioners to ensure "a healthy conduct of the elections". In its action the Council of Guardians accused some candidates of using anti-revolutionary slogans, making "illusory promises" and of buying votes. It is reported that the Iranian electoral law provides for annulment only in the case of fraud. Finally, there were reports that police had broken up demonstrations in Bonab, a city in north-western Iran, over the Government's handling of the elections and that a number of people had been killed.

7. The Special Representative hopes to discuss these allegations and concerns with Iranian election officials on another visit to Iran.

B. Social climate

8. The Special Representative believes there have been a number of indications that the social climate in the Islamic Republic is becoming less tolerant. The Iranian and foreign press have reported that, in the name of combating "social corruption" and "decadent westernization", both government and non-governmental entities have engaged in activities such as:

- The Government

  (a) The reported closure of several newspapers by the authorities, as well as charges concerning the publication of false information and of "weakening the foundation of the Islamic Republic" brought against the editor of Kiyan, a publication critical of government policies;

  (b) The launching of a new television programme "Hoviyat" (Identity) with the apparent objective of categorizing targeted intellectuals as social misfits or foreign spies, and the demand of an editor, Ezzatollah Sanabi, that he be given a right of reply;

  (c) The apparent campaign to purge from the university system those persons "who fight against the sanctities of the Islamic system";

  (d) The breaking up by the authorities of an informal gathering of writers to protest the intolerant atmosphere with the threat that if such meetings were held again, those concerned will be detained;

- Actions by non-governmental groups

  (e) Several physical attacks on movie theatres in protest against the showing of films judged by the attackers to be "contrary to Islamic and religious values" and "decadent". In some cases, injuries were reported to have occurred among patrons;

  (f) Forceable interventions to break up private social functions which on occasion resulted in death;

  (g) The disruption of memorial services for prominent literary figures;

  (h) The disruption of meetings to be addressed by prominent dissidents such as philosopher Abdol Karim Soroush, who, it is noted, has demanded that the Government take the measures necessary to protect freedom of speech for Iran's academics and intellectuals.

9. The Special Representative notes these developments with considerable concern not least because some of them are being carried out by agencies of the Government while others are carried out by non-governmental groups but with government forces refusing to intervene. The Special Representative believes the Government must take the lead in curbing such activities and that it could show its commitment to do so by more actively condemning them and secondly tasking government security forces to actively intervene to prevent such incidents. During another visit to Iran, the Special Representative intends to pursue these reports and discuss their implications with the Iranian authorities.

C. Judicial, legal and penal practices

10. In his 1996 report to the Commission on Human Rights, the Special Representative referred to prospective changes to the Ta'zirat (discretionary and preventive punishments) of the Law of Islamic punishments (E/CN.4/1996/59, paras. 42-50). According to press reports, the new provisions came into effect on 9 July 1996. It has been noted elsewhere that in accordance with article 167 of the Constitution of the Islamic Republic of Iran, the Law of Islamic punishments is to be considered only as a guide to judges. The Special Representative places a high priority in having a full discussion of these new Ta'zirat provisions and more generally of the Law of Islamic punishments, in meetings with the Iranian judicial officials during a second visit to the country.

11. In the meantime, the Special Representative would note that according to the best information he has received, the punishment regime in Iran would seem to have been significantly toughened.

12. According to information published in the Iranian and international press, at least 66 persons were executed in the Islamic Republic of Iran during the period 1 January-31 August 1996. This is a significant increase over the figure of 50 persons executed that was noted by the Special Representative for 1995 (E/CN.4/1996/59, para. 46). Of those executed, 30 persons were reportedly hanged and 2 persons stoned to death. Two persons were executed after receiving lashes. At least 13 executions took place in public. Thirty-two persons were executed after being found guilty of common crimes (assassination, premeditated murder, armed robbery, kidnapping, etc.); 11 on charges of drug trafficking; 5 on charges of premeditated murder and adultery and attempts against public chastity; 13 on charges of spreading corruption on earth and establishing centres for moral corruption; and 5 after being found guilty of membership in and activities on behalf of armed opposition groups and espionage. The cases reported in the Iranian and international press are described in annex IV.

13. The Special Representative would particularly note the following:

(a) The execution on 28 July 1996 of Mr. Rahman Radjabi Hamvand. The Special Representative requested information on the case of this person in February 1996 while he was in Tehran and sent two letters, dated 7 May and 19 July 1996, requesting the Government to ensure that this person could fully benefit from all the internationally recognized procedural safeguards (see paras. 37 (c) and (e) below and E/CN.4/1996/59, para. 86 (b));

(b) The execution on 22 June 1996 of Mr. Mehrdad Kalany, sentenced to death on charges of, inter alia, "meeting and talking with Mr. Galindo Pohl and the accompanying delegation". In a letter dated 11 June 1996, the Special Representative reminded the Government of the terms of reference for fact-finding missions by representatives and rapporteurs of United Nations human rights bodies and referred to Commission on Human Rights resolution 1996/70 (see para. 37 (d) below). On 9 August 1996 the Special Representative again wrote to the Government requesting detailed information on the circumstances of the trial and execution of Mr. Kalany (see para. 37 (g) below). No reply was received from the Government to these communications. It should also be mentioned that

the Special Representative received a letter from Mr. Kalany dated end of March 1996 written in Evin prison in Tehran. In that letter Mr. Kalany made reference to the conditions of his detention in solitary confinement in Asayeshgah section of Evin prison;

(c) The execution on 22 June 1996 of Mr. Ahmed Bakhtiari, an agricultural engineer and a member of the Iranian People's Fedaian Organization (Minority). The Special Representative was able to hold a private meeting with Mr. Bakhtiari during his visit to Evin prison in Tehran on 13 February 1996 (see E/CN.4/1996/59, paras. 97 (b) and 98 to 100).

14. During his February 1996 visit to Iran, the Special Representative requested the Government to provide official information on the number of executions that had been carried out since the beginning of the Iranian year 1373. No response has so far been received to the Special Representative's request for statistics for the entire country, although this information has been provided with regard to the persons executed in Tehran Province on drug-trafficking charges during 1995 (see E/CN.4/1996/59, para. 47).

D. Pressure on relatives

15. The Special Representative has received a number of reports of harassment or intimidation of relatives in Iran of political dissidents or sympathizers living abroad. Among these are the following cases:

(a) Marzieh, a popular Iranian singer, aged 72, whose departure from Iran in 1994 reportedly led to the harassment of her daughter in Tehran and whose son was allegedly induced, by government agents, to precipitate a public incident at a Marzieh concert in London, in June 1996, claiming that his mother was a prisoner of an opposition group;

(b) Mrs. Ashrafossadat Mir-Hosseini, aged 58, former university professor and a retired civil servant of the city of Ramsar, Mazandaran Province, who was reportedly arrested on 6 April 1996 in Ramsar because of her sister's activities, Ms. Akram Mir-Hosseini, who is president and founder of the Ligue des Femmes Iraniennes pour la Démocratie, a women's non-governmental organization registered in France. The Special Representative was informed that Mrs. Ashrafossadat Mir-Hosseini, who had reportedly never carried out political activity in Iran, has been interrogated several times during the last four years by Iranian Security Service agents on the activities carried out in France by her sister. The Special Representative appealed to the Government, on 19 April 1996, to ensure that, in case this person should continue to be detained, she could fully benefit from all the internationally recognized procedural safeguards (see para. 37 (a) below);

(c) Mohammad Taghaddossi, an Iranian opera singer whose relative was reportedly detained in December 1995 at the Tehran airport and put under pressure to ask him to stop performing abroad for an opposition group;

(d) Mr. Abbas Minachi Moghaddam, whose relatives in Iran were told that he was imprisoned outside of Iran in a jail belonging to an opposition group.

Mr. Minachi Moghaddam was received by the Special Representative in Geneva on 27 August 1996 and denied the allegations of imprisonment.

16. Other Iranian refugees resident in European countries have stated before the Special Representative that they are receiving telephone calls from their relatives in Iran urging them to abandon their activities in favour of opposition groups, or to return to Iran. According to these testimonies, the voice and expressions used by the relatives suggested that they were under surveillance or were reading prepared texts.

E. Violence outside the Islamic Republic of Iran

17. In his report to the Commission on Human Rights, the Special Representative noted that he had been presented with statistics suggesting that politically motivated violence against Iranians outside the country was continuing unabated. He referred to a number of specific recent cases. According to recent information received by the Special Representative, this trend is continuing. The Special Representative again records his concern at this trend and will raise this subject with Iranian officials on another visit to the country.

18. The following cases have been brought to the attention of the Special Representative:

(a) The assassination in Paris at the end of May 1996 of a former Vice-Minister of Education in the Shah's Government, Mr. Reza Mazlouman;

(b) Reuters report of 7 March 1996 that Hamed Reza Rahmani, a member of the People's Mojahedin Organization, was machine-gunned on that day in Baghdad;

(c) Reuters dispatch dated 18 March 1996 quoting the Democratic Party of Iranian Kurdistan to the effect that four of its members were shot on that day in a village near the city of Erbil in northern Iraq. The names of those killed were Osman Rahimi, Taher Azizi, Hassan Ebrahimzadeh and Faramarz Keshavarz;

(d) Representatives of the Democratic Party of Iranian Kurdistan informed the Special Representative that, on 21 April 1996, Iranian government agents driving a Red Crescent Society ambulance entered an Iranian Kurdish refugee camp in Bainjan, Sulaymaniyah Province, in Iraqi Kurdistan. One person was captured by the camp guards and stated that they had been dispatched by agents of the Iranian Ministry of Intelligence to carry out activities against Iranian refugees;

(e) Representatives of the Democratic Party of Iranian Kurdistan also reported that, on 27 July 1996, combat troops from the Islamic Revolution Guard Corps attacked the bases of the party and a refugee camp in the Iraqi towns of Koy-Sandjak and Hermutah, killing two Iraqi women, destroying 400 shacks and the Azadi Hospital, and forcing 1,500 Iranian Kurdish refugees to evacuate the zone in direction of Erbil. Iranian troops were withdrawn four days later. Other sources suggest the attack was in response to a Democratic Party of Iranian Kurdistan attack against the village of Kargar Olia in western Iran, during which a number of Iranian troops and Democratic Party combatants were killed;

(f) The murder in Karachi, Pakistan, on 4 March 1996, of two Iranian Sunni clergymen was also reported. Abdol-Malek Mollahzadeh, aged 45, and Abdol-Nasser Jamshid-Zehi, aged 25, were shot dead by four individuals in the Liari district of Karachi.

19. In addition, there have been certain developments with regard to ongoing cases of extraterritorial violence:

(a) In March 1996, it was reported in the press that the Federal Court of Justice in Karlsruhe, Germany, had issued a warrant for the arrest of Ali Fallahian, a Minister in the Government of the Islamic Republic, in connection with the September 1992 assassination of four Iranian Kurdish dissidents in Berlin, the so-called Mykonos affair;

(b) A government prosecutor's report in Turkish, with translation, in the case of the assassination of Zahra Rajabi and Abdul-ali Moradi was submitted to the Special Representative. The report asserts a connection between these assassinations and officials of one of the government departments of the Islamic Republic;

(c) Associated Press dispatch from Rome dated 15 July 1996 in the matter of the 1993 assassination of Mohammad Hussein Naghdi, an Iranian opposition figure, stating that a judge had postponed a hearing to decide whether two Algerians and an Iranian should stand trial for the murder. Lawyers for the victim's relatives were said to have urged Italian authorities to bring to justice a fourth person, "an Iranian whose diplomatic immunity would keep him from being prosecuted".

20. According to a press report, in March 1996 police in Antwerp, Belgium, intercepted a shipment of arms on an Iranian vessel. According to the report, police investigators discovered a mortar bomb and a 322-millimetre mortar capable of carrying an explosive load of 125 kilos over a range of 650 metres. It has been stated that some 20 such mortar bombs were known to have been manufactured in Iran; this is the second to have been discovered. The target, it is alleged, was to have been the well-guarded headquarters of an Iranian opposition group in Paris.

F. Situation of Iranian refugees and asylum-seekers abroad

21. The Special Representative received information that during 1995 40 UNHCR-recognized refugee applicants were deported from Turkey to Iran. In addition, at least 14 Iranian asylum-seekers who had not been given the opportunity to undergo UNHCR's refugee determination procedures were also deported. In the first eight months of 1996, eight Iranian refugees were reportedly deported to Iran (see para. 37 (b) below, concerning the case of Mr. Kavoussi).

22. The Special Representative is following this matter with particular attention and considers that in no circumstances should a non-fulfilment of formal domestic requirements lead to a deportation or refoulement.

G. Situation of the Baha'is

23. The Special Representative has continued to receive reports of cases of grave breaches of human rights of the Baha'is in Iran and of situations of discrimination against the members of this religious community.

24. According to the information received, nine Baha'is continue to be held in Iranian prisons because of their beliefs, among them, Mr. Bihnam Mithaqi and Mr. Kayvan Khalajabadi, who were visited by the Special Representative in Evin prison in February 1996. The Special Representative was informed that after his visit, on 18 February 1996, the Supreme Court confirmed the death sentences against them and conveyed the information to the Islamic Revolutionary Court. They have written to the Attorney-General asking for the verdict to be rescinded. The charge of apostasy against Ramidan'Ali Dhulfaqari has not been dealt with. The situation of another person charged with apostasy, Dhabihu'llah Mahrami, remained in doubt as the civil court that was to issue a new verdict has not done so (E/CN.4/1996/59, paras. 70 and 71). The Special Representative was recently informed that Mr. Musa Talibi has been condemned to death by the Islamic Revolutionary Court of Isfahan on charges of apostasy. He had been previously sentenced to one and a half years' imprisonment because of his membership in the Baha'i community. However, the assistant to the public prosecutor made an objection to the lightness of the sentence stating that no consideration had been given to the fact that he was an apostate. Mr. Talibi has appealed the death sentence and his case is before the Supreme Court. Another Baha'i, Mr. Bakhshullah Mithaqi, who was supposed to be released in August 1996 according to his sentence, continues to be held in prison.

25. Cases of discrimination against Baha'is in the Iranian court system continue to be reported. In one case related to the death of a Baha'i in a car accident, officials of Branch number 2 of the Public Court of the city of Ray, Qazavi, in a 28 January 1996 sentence, stated that although the driver of the car was found guilty of involuntary manslaughter, the relatives of the victim were not entitled to receive compensation because the victim was a Baha'i. Instead, the defendant was sentenced to make a payment to a government fund. The sentence was said to be based "in the Islamic jurisprudence and page 559 of Tahriru'l-Vasilih, section 31, principle 297 of Islamic Penal Law, according to which only Muslim victims are entitled to blood money". In another verdict, issued in March 1996 by the Court of Ashtiyan, the relatives of a murdered Baha'i were considered not entitled to receive financial compensation, "since the victim was, in accordance with the statements of his father and the people in the area in which he performed his services, and his identification documents, a follower of the Baha'i sect". However, the accused was sentenced to three years in prison under principle 207 of the Islamic Penal Code.

26. The Special Representative was informed that private property belonging to Baha'is in Yazd continues to be confiscated; that Baha'i students were still not being accepted by Iranian universities and that those Baha'is who were dismissed still have no right to pensions. During 1995, there were more than 150 cases of confiscation of property belonging to Baha'is over the country. Recently, Baha'i youth have been denied access to the fourth year of high school, to which they had up to now been admitted.

27. The Special Representative notes with deep concern the statement, as reported in the press, of Ayatollah Yazdi on 14 May 1996 that, "although religious minorities in Iran fully enjoy of their rights and liberties, Baha'ism is not a religion but an organized espionage ring". The Special Representative would reiterate his view that the situation for the Baha'is in the Islamic Republic can improve only if there is a significant change in attitude towards them on the part of the Iranian authorities.

H. The fatwa against Salman Rushdie

28. The Special Representative understands that negotiations continue between the European Union and the Government of the Islamic Republic of Iran on this subject. He notes that according to press reports, senior government figures of the Islamic Republic have declared that the Government itself would not take steps to enforce the fatwa imposed by the late Ayatollah Khomeini. He also understands that there remain significant problems such as the inclusion of specific reference to the fatwa in the proposed understanding on this subject.

29. The Special Representative has also noted the Agence France-Presse report that Ayatollah Yazdi had stated on 21 April 1996: "The fatwa applies to all Muslims and will eventually be carried out one day, at the appropriate time. The Rushdie matter will be resolved through application of the fatwa. We cannot resolve it through negotiations or under pressure from this or that country. The fatwa creates an obligation for Muslims in their personal capacity, not for States."

30. In his report to the Commission on Human Rights in February 1996, the Special Representative made clear his condemnation of the threats upon the life of Mr. Rushdie.

I. Information on prisoners

31. The Special Representative has received reports that Shahram Sepehri-Fard, an Iranian Muslim convert to Christianity as a child and an ordained Presbyterian minister, had been arrested in early July 1996 and apparently interrogated about alleged involvement in espionage and adultery. It is also reported that Mr. Sepehri-Fard was subsequently found innocent of all charges by a military court in Tehran on 10 August 1996 and was to be released.

32. The Special Representative has received reports that one additional cleric was arrested in February 1996, Grand Ayatollah Yaqoubodin Rastaghari, a cleric who had been arrested on several previous occasions. Subsequently, the Special Representative received reports of additional detentions in June. The names mentioned were: Seyyed Mehdi Shirazi, a son of Grand Ayatollah Mohammad Shirazi, and Ali al-Rumaisai, Sheikh Hussain Dhaakeri, and Sheikh Azizollah Hassani, all three members of the staff of Grand Ayatollah Mohammad Shirazi.

33. Still later, the Special Representative received reports that in August 1996, 10 clerics and their supporters, arrested in late 1995 and early

1996, had been released. The names of those released were given as: Hujjatol Islam wal Muslimin Hassani; Hujjatol Islam Sheikh Hussain Dhaakeri; Hujjatol Islam Sayyed Abbaas Moosawi; Hujjatol Islam Sheikh Jafar Ghani; Jalal Aakhoond; Ahmed Aakhoond; Ayaad Foojeyan; Hujjatol Islam wal Muslimin Sheikh Abdol Rahman al-Haa'eri; Hujjatol Islam wal Muslimin Seyyed Abdol Rasool Moosawi; and Hujjatol Islam Sheikh Muhammed Ali Ma'ash.

J. Prisoners of war

34. There have recently been exchanges between the Government of the Republic of Iraq and the Government of the Islamic Republic of Iran concerning allegations that each side is still holding prisoners of war eight years after the ceasefire between the two countries. On 26 May 1996, IRNA, the Islamic Republic's news agency, carried a report that the head of the Iranian Special Commission for Prisoners of War had noted that four rounds of talks had been held between Iran and Iraq on this matter in the past year. He said that agreement had been reached but that the "absence of practical measures for implementing the accord lies in lack of authority on the part of the Iraqi delegation". He expressed the hope that "a fifth round of talks would solve the problem". Subsequently, an Iranian official stated that some 700 Iranian prisoners of war were still being held in Iraq. On 4 July 1996, the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva issued a press release stating that "Iran was holding more than 20,000 Iraqi prisoners of war and that the fate of about 60,000 missing Iraqis was still unknown". The press release stated that, in August 1990, Iraq had honoured its obligations by releasing all the prisoners of war under the auspices of the International Committee of the Red Cross (ICRC), except for those who refused to return to Iran. The press release went on to say that "Iran, for its part, continued to hold Iraqi prisoners of war". On the following day, an Iranian official reiterated that there were 700 Iranian prisoners of war still being held in Iraq, prisoners which had been segregated from the rest of the Iranian prisoners of war and transferred to other detention camps.

IV. STATUS OF WOMEN

35. In his report to the Commission on Human Rights, the Special Representative reported on his discussions on this subject in the course of his visit to Iran in February 1996 (E/CN.4/1996/59, paras. 58 to 64). He summarized the debate that seems to be going on about the status of women in Muslim countries, particularly in the Islamic Republic of Iran. He noted that there seemed to be some areas in which an improvement of the status of women is actively being discussed, although not necessarily at the level of government policy. He suggested that on the basis of some of these conversations, there was considerable room for the Government to make changes without such changes necessarily being viewed as an infringement of religious precepts. Finally, the Special Representative concluded that in his view, the status of women in the Islamic Republic of Iran is indeed not equal to that of men in very many ways, and that leadership for change would have to come from political elites.

36. Since that report, many incidents have been brought to the attention of the Special Representative. Further inquiry and, in particular, discussion with both Iranian political elites and with Iranian women is high on the Special Representative's agenda for another visit to Iran.

V. SPECIAL REPRESENTATIVE'S CORRESPONDENCE WITH THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN

37. The Special Representative addressed the following letters to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva:

(a) Letter dated 19 April 1996 requesting information on the arrest of Mrs. Ashrafossadat Mir-Hosseini, which took place on 6 April 1996 in the city of Ramsar, reportedly in connection with the activities of her sister, Mrs. Akram Mir-Hosseini, who is president and founder of the Ligue des Femmes Iraniennes pour la Démocratie (see para. 15 (b) above). The Special Representative appealed to the Government to ensure that, in case this person should continue to be detained, she could fully benefit from all the internationally recognized procedural safeguards;

(b) Letter dated 7 May 1996, requesting information on the legal status and whereabouts of Mr. Mehrdad Kavoussi, a sympathizer of the National Council of Resistance of Iran registered as an asylum-seeker by the UNHCR office in Turkey, who was deported to Iran by Turkish authorities on 25 April 1996. The Special Representative requested the Iranian Government to ensure that, in the event that this person was in detention, he could fully benefit from all the procedural safeguards provided for in the International Covenant on Civil and Political Rights, including access to legal assistance and the prevention of ill-treatment or torture. In a letter dated 11 July 1996, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva replied that Mr. Kavoussi departed on 17 June 1996 from Tehran to Turkey with an Iranian passport issued at his request (for the text of this letter see annex II). Mr. Kavoussi subsequently met with the Special Representative on 27 August 1996 in Geneva;

(c) Letter of the same date (7 May 1996) requesting information about the current situation of Mr. Rahman Radjabi Hamvand, a member of the Democratic Party of Iranian Kurdistan, detained in Darya prison in Orumiyeh and sentenced to death (see para. 13 (a) above and E/CN.4/1996/59, para. 86 (b)). The Special Representative requested the Government to ensure that this person could fully benefit from all the procedural safeguards provided for in the International Covenant on Civil and Political Rights and in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, entitled "Safeguards guaranteeing protection of the rights of those facing the death penalty". According to the information received by the Special Representative, this person's trial was initiated by a private complaint of an individual who reportedly had personal differences with him but who subsequently renounced his complaint. It was also alleged that Mr. Radjabi Hamvand had not committed any assassination (see para. 37 (e) below);

(d) Letter dated 11 June 1996 concerning Mr. Mehrdad Kalany, son of Ali-Akbar, a sympathizer of the National Council of Resistance of Iran, alleging that he was arrested for, among other things, meeting with the Special Representative's predecessor, Mr. Reynaldo Galindo Pohl, on 22 January 1990 in Tehran, and that, while leaving the United Nations Development Programme office from that meeting, he was arrested (see para. 13 (b) above). He was convicted and sentenced to death by Branch 2 of the Islamic Revolutionary Court of Tehran in January 1993. Among the charges was "meeting and talking with Mr. Galindo Pohl and the accompanying delegation". The Special Representative reminded the Government of the terms of reference for fact-finding missions by Special Rapporteurs/Representatives of the United Nations Commission on Human Rights and referred to Commission resolution 1996/70 of 23 April 1996 which, inter alia, urges Governments to refrain from all acts of intimidation or reprisal against those who have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them. The Special Representative asked the Government to investigate this situation as a matter of priority (see para. 37 (g) below);

(e) Letter dated 19 July 1996 concerning Mr. Rahman Radjavi Hamvand. This letter was sent when the Special Representative was informed that Mr. Radjavi's request for clemency had been rejected by the Amnesty Council. Subsequently, the Special Representative was informed that this person was executed on 28 July 1996 in the prison of Orumiyeh (see para. 37 (a) above);

(f) Letter dated 24 July 1996 concerning three Iranian citizens reportedly sentenced to death, namely, Hedayatollah Zendedel, Abolghasem Majd-Abkahi and Alireza Yazdanshenas (E/CN.4/1996/59, paras. 29 (c), 33 and 98). The Special Representative requested information as to the wording of the convictions entered against these persons and requested the Government to ensure that they could benefit from all the procedural safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights, and also safeguards 4 to 8 of the annex to Economic and Social Council resolution 1984/50 of 25 May 1984;

(g) Letter dated 9 August 1996 concerning Mr. Mehrdad Kalany. He requested to be informed, inter alia, of the specific provisions of the Iranian penal legislation forming the basis of the charges and conviction; the precise charges resulting in Mr. Kalany's conviction; the provisions of Iranian judicial legislation forming the basis of the trial procedure and the possibilities of appeal that were available. The Special Representative was subsequently informed that Mr. Kalany had been executed on 22 June 1996 in Evin prison in Tehran (see para. 37 (b) above).

38. On 9 August 1996, the Special Representative sent a joint urgent appeal together with the Special Rapporteur of the Commission on Human Rights on the question of torture, to the Minister for Foreign Affairs of the Islamic Republic of Iran, Mr. Ali Akbar Velayati, appealing to the Iranian Government to ensure that no further amputations or other corporal punishments be carried out against persons convicted of criminal offences. On 25 July 1996, Ayatollah Moghtadai had reportedly announced that amputations for theft were to be resumed in order to stem rising levels of crime. Under the new policy, those persons to be punished would have four fingers amputated on the right hand for a first

offence. Persons convicted of a second theft offence would have the toes of the left foot amputated. Shortly after the announcement by the State Prosecutor, amputations of the fingers were reportedly carried out in Tehran upon six persons who had more than one theft conviction. As this report was being prepared, the Iranian authorities advised the Special Representative that the Iranian press story of 25 July 1996 had been incorrectly translated.

39. The Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva sent three letters to the Special Representative, dated 23 April, 11 and 29 July 1996, which are reproduced in annexes I, II and III to this report. The letter dated 23 April 1996 concerns two Iranian Baha'is who were visited by the Special Representative in Evin prison on 13 February 1996 (see E/CN.4/1996/59, paras. 70, 97 (a) and 98 to 100). The letter dated 11 July 1996 concerns Mr. Mehrdad Kavoussi. Lastly, the letter dated 29 July 1996 makes reference, inter alia, to lists of prisoners contained in previous reports by the former Special Representative, Mr. Reynaldo Galindo Pohl.

VI. REQUEST FOR TECHNICAL ASSISTANCE

40. The Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, by letter dated 10 June 1996, requested the office of the High Commissioner for Human Rights/Centre for Human Rights for technical assistance in the areas of prison system and training of judges in Iran, as well as to render advisory services to the NGO network on women existing in the country. The Centre replied stating that it was reviewing all planned technical cooperation activities, taking into account available human and financial resources. Once this process was finalized, the Centre would be in a better position to respond to the Iranian Government's request. In a letter dated 7 August 1996, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva requested the Special Representative's help in obtaining such technical assistance.

41. In taking note of the request, the Special Representative decided to make inquiries of the Crime Prevention and Criminal Justice Branch in Vienna. He was informed that the Permanent Representative of the Islamic Republic of Iran in Vienna had submitted a request for technical assistance to the Division as well. The Special Representative considers that the submission of these requests should be welcomed, and he would strongly recommend that sympathetic consideration be given to them by the two agencies in an appropriately coordinated manner.

VII. CONCLUSIONS

42. As will be seen from this report, the information reaching the Special Representative suggests that the condition of human rights in the Islamic Republic of Iran may well have deteriorated since his report earlier this year to the Commission on Human Rights. In particular, the developments in the areas of executions, social atmosphere and criminal punishments, if confirmed after

discussions with the Iranian authorities, are in his view egregious evidence that a culture of human rights remains to be established.

43. Nevertheless, there are some positive signs such as the above-mentioned requests for technical assistance. For his part, the Special Representative is determined to continue his dialogue with the authorities of the Islamic Republic of Iran and has asked to visit Iran in December 1996. He believes the cooperation extended to him so far in his mandate by the Iranian authorities is a welcome sign, and trusts that this spirit of cooperation can continue.

Annex I

LETTER DATED 23 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE SPECIAL REPRESENTATIVE ON THE SITUATION OF HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN

With regard to the recent reports on the fate of Mr. Kayvan Khalajabadi and Mr. Bihnam Mithaqi, I would like to draw your attention to the fact that the death sentence has not been confirmed. The accused have the possibility for recourse. Under article 31 of the General Courts, the accused or their lawyers are entitled to request for another review. This article may be invoked within the time allowed under the law for rescinding of the verdict by the Attorney-General and re-examination of the case by another court. Should the verdict, following re-examination of the case, be reconfirmed, the accused may seek pardon through the Amnesty Council.

Up to this moment, the accused or their lawyers have not requested re-examination of the cases under the foregoing provisions.

(Signed) Sirous NASSERI
Permanent Representative

Annex II

LETTER DATED 11 JULY 1996 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE SPECIAL REPRESENTATIVE ON THE SITUATION OF HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN

Questions have been raised about Mr. Mehrdad Kavousi, a former member of the Mojahedin Khalgh. On this point, I would like to draw your kind attention to the following information received from Tehran:

He was deported from Turkey. After entering the Islamic Republic of Iran, he requested a passport, which was issued. He then departed from Tehran to Turkey on 17 June 1996 by Iran Air (flight No. 719). According to him, he wanted to pursue, through the United Nations office in Turkey, the release of his wife who is detained by the Mojahedin Khalgh in Iraq.

(Signed) Sirous NASSERI
Permanent Representative

Annex III

LETTER DATED 29 JULY 1996 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE SPECIAL REPRESENTATIVE ON THE SITUATION OF HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN

I would like to provide you with the following information received from Tehran.

1. Hossien ESHRAGHI: He is free and does not have any judicial problem.

2. Ali-Reza SADEGHI: Owing to the lack of personal information, including information on vital status, authorities have not been able to identify him.

3. Mahmoud MOTTAHEDDIN: He was arrested on charges of acting against national security. After due process of law, he was sentenced to 15 years' imprisonment. He was later pardoned and was released on 10 February 1992.

4. Ali ABADI: He was arrested on 18 September 1982 on charges of cooperating with the terrorist group of Fadaie Khalgh. After trial, he was sentenced to 40 days' imprisonment. He was released after serving his term.

5. Abbas ZABOLI: He was arrested on charges of acting against national security. After due process of law, the court found him guilty and sentenced him to 12 years of imprisonment. He was pardoned on 6 April 1992 and was afterwards released.

6. Mowlavi Ahmad SAYYAD: He died at a bus station. The Forensic Department has confirmed that he died because of heart failure.

7. Feraydoun NAJAFI: He was arrested on charges of acting against national security. After due process of law, the court found him guilty and sentenced him to 15 years of imprisonment. However, he was later pardoned and released on 9 December 1992.

8. Fatemeh ESHRAGHI: She was arrested on charges of acting against national security. After due process of law she was sentenced to five years of imprisonment. She was released last year after serving her term.

9. Farhad JAVIDAN: He was arrested for his involvement in trade in pornographic materials. The court sentenced him to 20 days' imprisonment. After serving his term, he was released on 14 October 1993.

10. Zahra RAJABI and Abdol-Ali MORADI: The involvement of the Government of the Islamic Republic of Iran in the death of these two individuals is baseless. It is worth mentioning that the so-called MKO, which is a terrorist organization, has always tried to blame others for its well-known policy of internal purging.

(Signed) Sirous NASSERI
Permanent Representative

Annex IV

INFORMATION ON EXECUTIONS PUBLISHED IN THE IRANIAN AND INTERNATIONAL PRESS DURING THE PERIOD 1 JANUARY-31 AUGUST 1996

In early January 1996, seven people convicted on charges of armed robbery, kidnapping and smuggling were reportedly executed in Kerman. Their names were given as follows: Mansour Afzaly, son of Mohammad Ali, aged 24; Modjtaba Hadj Mir Alikhany, son of Mohammad, aged 23; Akbar Khdjeh-Pour, son of Abbasse, aged 28; Hossein Izad-Panah; Ali Reza Sabahi, son of Mohammad; Ahmad Noureddiny, son of Seyfollah; and Ali Abbassi, son of Mohammad. Another person, Mehdi Ghanbary, was hanged in public in Felestine Square, Saveh, on charges of assassination, after receiving 30 lashes.

In early March 1996, Mostafa Tondro Somesaraie, aged 43, and Amrollah Jaafari, aged 30, were executed on charges of premeditated murder in Karaj. The executions of these persons were carried out in the presence of the victims' relatives. Another person, Bahram Shamsy, son of Ali Osat, was hanged in public in Shaheen-Deje after being found guilty of premeditated murder. On 12 March 1996, Mohammad Reza Taban was hanged in public in Fasa on charges of murder and armed robbery.

In early April 1996, Jamshid Yadollahi, son of Manouchehr, was hanged in public in Sarvestan, after being found guilty of armed robbery. On 10 April 1996, Mustafa Ghaderi and Salim Sabernia, members of the Kurdish opposition group Komala, were executed. On 22 April 1996, a person was hanged in front of a bank in Dezful, after being found guilty of having taken part in an armed attack on that bank. His corpse was left on public view for 22 hours. Also in April 1996, Fath Ali Saberi was hanged in Tehran on charges of attempts against public chastity and adultery. Another person, Asghar Rostami Zadeh, was hanged in Shiraz, after being found guilty of murder and armed robbery. The verdict was carried out in the presence of the victim's family at Vali-Asr Square.

In early May 1996, two persons were hanged in Bijand on charges of drug trafficking. Another two persons, Abdolreza Tappeh-Kaboudi, son of Ali, and Djahangarde Nemati, were hanged in public in Kermanshah on charges of assassination.

On 18 May 1996, five people were hanged in Tabriz on charges of assassination and armed robbery. Their names were given as follows: Mohammad Reza Charifi, aged 21; Jaafar Faradjpour, aged 21; Davar Mardani, aged 23; Ali Reza Nikdjah, aged 21; and Reza Bahreini, aged 21. On 20 May 1996, another two persons, Mohammad Gholi and Habibollah Mohammadi, were hanged in Shiraz on charges of assassination, and Khodaverdy Yousofzadeh was hanged in Harisse, also on charges of premeditated murder.

On 8 June 1996, Khalil Qasem Zahed Tehrani, Mostafa Firoozi and Mohammad Proozi were hanged in public in Ferdowsi Square in Mashhad, after being found guilty of assassination, kidnapping, terrorizing people and sexually assaulting women. Before his execution, Tehrani received 144 lashes.

On 22 June 1996, Mehrdad Kalany, a member of the People's Mojahedin Organization of Iran was executed. He had been sentenced to death in early 1994. On the same day Ahmad Bakhtari, a member of the People's Fedaiyan Organization of Iran (Minority), who was sentenced to death in January 1993, was also executed.

Also in June 1996, Ms. Chahine Soltan-Moradi and Mr. Mohammad Ali Hemati were stoned to death in the city of Orumiyeh, after being found guilty of premeditated murder and adultery. Another woman and a man were hanged in Shiraz on charges of the premeditated murder of Akbar Hamidi and adultery. Another two persons accused of premeditated murder, Aref Lofti and Reza Yaghoobi, were executed in Zarinshahr. Also in June 1996, 12 members of the Dervish sect were executed in Hamedan on charges of establishing centres for moral corruption, and an army colonel was executed for spying for Iraq.

On 21 July 1996, Akbar Esmaili, aged 28, was hanged at Tehran's Qasr prison after a court sentenced him to death for killing a compatriot in Japan in 1992. He had been extradited by Japan. Two other men convicted of murder, Mohammad Golabi, aged 33 and Ali Naghie, aged 41, were also hanged at the prison in separate cases.

Also in July 1996, Ali Reza Zargham, son of Mohammad, known as "Behzad Baba Arbab" was hanged in Shiraz on charges of sedition and corruption on earth, and seven people were executed in Tehran after being found guilty of belonging to drug trafficking gangs that transported five tons of drugs across the border. Their names were given as follows: Lezgin Jahangiri, son of Bayg; Mohammad Rastegar Moqaddam, son of Ali; Khorshid Mokarrami, son of Jafar; Mohammad Saleh Nemati, son of Mozafar; Qader Arjomandi, son of Ramezan; Hossein Tarani, son of Rasool; and Mehdi Khanbashi, son of Esmail.

In August, two Iranian men were hanged in Shiraz. They were found guilty by an Islamic Revolutionary Court of murder and drug trafficking. One of the men was hanged at the site of the crime and the other was executed in Adel prison. They were arrested in July with 419 kilograms of opium.